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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,295	07/31/2003	Jeffrey H. Wood	BOEI-1-1203	3327
46020	7590	06/21/2005	EXAMINER	
BLACK LOWE & GRAHAM PLLC 701 FIFTH AVENUE, SUITE 4800 SEATTLE, WA 98104			LE, TAN	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/633,295	Applicant(s) WOOD ET AL.	
	Examiner Tan Le	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 3, 5-11, 13-26 and 28-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 12 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the third office action for Application 10/633,295. This application remains 43 claims numbered 1-43. Claims 3, 5-11, 13-26 and 28-43 have been withdrawn.
2. Amendment to drawings filed April 01, 2005 in response to action mailed 12/30/04 is approved.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-2, 4, 12 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent no. 6,195,811 to Dragovic.

Dragovic discloses a bracket comprising a first portion (21) capable of supporting a product; a second portion (23) wherein a second portion includes a separation component (27) configured to separate the second portion from a support structure by a predefined amount, wherein the predefined amount allowed an adhesive layer that is applied between the second portion and the support structure; the separation component includes a plurality of dimples and the bracket can be either formed by one of molding or extruding (see also Col. 2, 25-29).

Claims 1-2, 12 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 4,566,924 to Hara et al.

Hara et al. discloses a fixation of a stud on a work piece comprising a first portion (2) capable of supporting a product; a second portion (3) wherein a second portion

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includes a separation component (7) configured to separate the second portion from a support structure (5) by a predefined amount, wherein the predefined amount based on an adhesive (4) that is applied between the second portion and the support structure; and the bracket can be either formed by one of molding or extruding.

Response to Arguments

4. Applicant's arguments filed 4/01/05 have been fully considered but they are not persuasive.

Examiner appreciated Applicant's pointing out the typo error made by examiner in the office action mailed 12/30/04. Applicant's assumption of claims 27 was rejected on the same grounds is correct. Examiner reaffirmed that claim 27 was in fact intended to reject under both Dragovic and Hara et al under 102(b) rejections.

Applicant's has further amended claim 1 and pointed to alleged differences between the prior art and his invention based upon amendment introduced into claims. However, claim 1 and along with other claims still stand rejected based on Dragovic and Hara et al. First, examiner respectfully contends that Dragovic and Hara et al each clearly teaches all the limitations as claimed. The separation component of Dragovic and Hara et al as pointed out in the previous office action is not formed along an entire length of a boundary edge as evidently shown on Fig. 2 of Dragovic and/or Figs. 4-8 of Hara et al for example.

Second, the clause "wherein" as introduced into claim is merely a functional expression equivalent to "whereby" clause considered in *In re Lamb*, 32 C.C.P.A 799,

146 F.2d 277, 64 USPQ 241; and in *In re Mason*, 114 USPQ 127, 44 CCPA 937 (1957) that “wherein” or “whereby” statement does not define any structure and accordingly can not serve to distinguish and hence could not have patentable significance.

In view of the above arguments, the examiner respectfully submits that the claims as presented still met by Dragovic and Hara et al. The rejections as being anticipated by Dragovic and Hara et al. are therefore still maintained.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

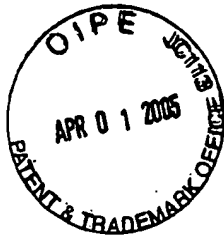
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tan Le
Patent examiner
June 13, 2005.



ANITA KING
PRIMARY EXAMINER



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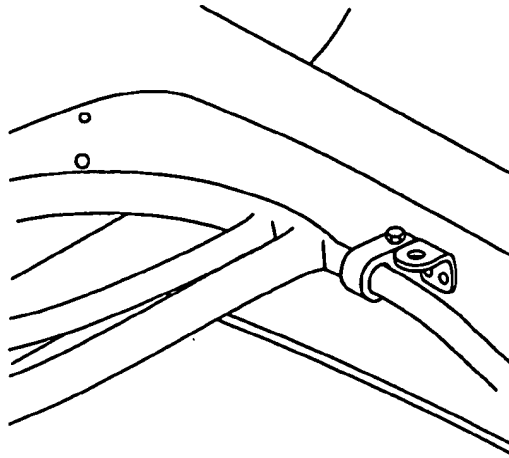


Fig. 1
(PRIOR ART)

— Sheets 1-14 — Approved 6/13/05
Re.

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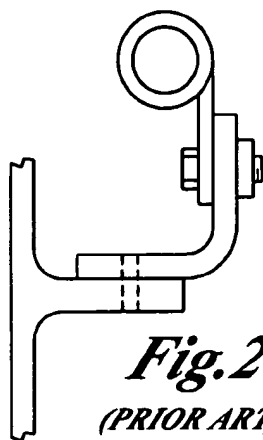


Fig. 2
(PRIOR ART)

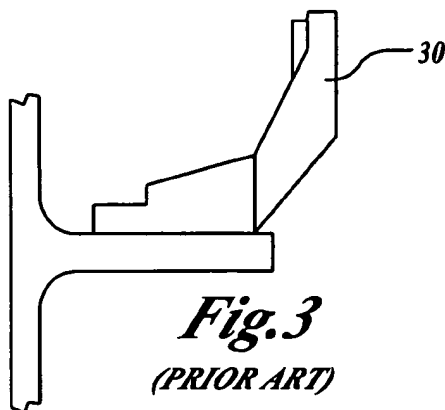


Fig. 3
(PRIOR ART)

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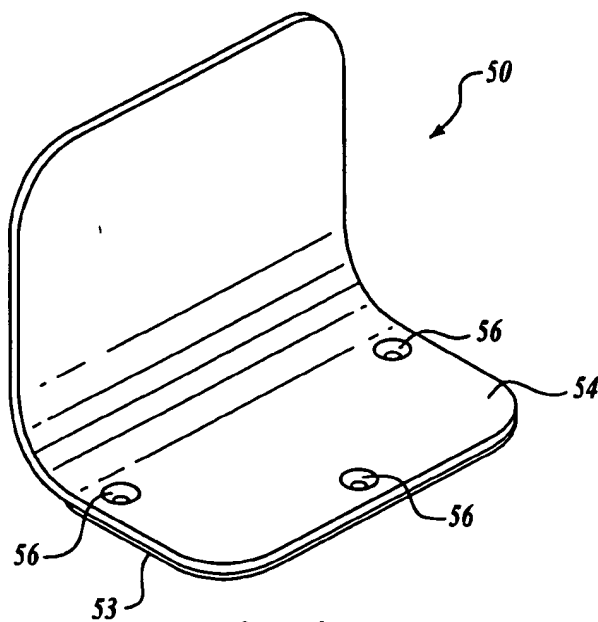


Fig. 4

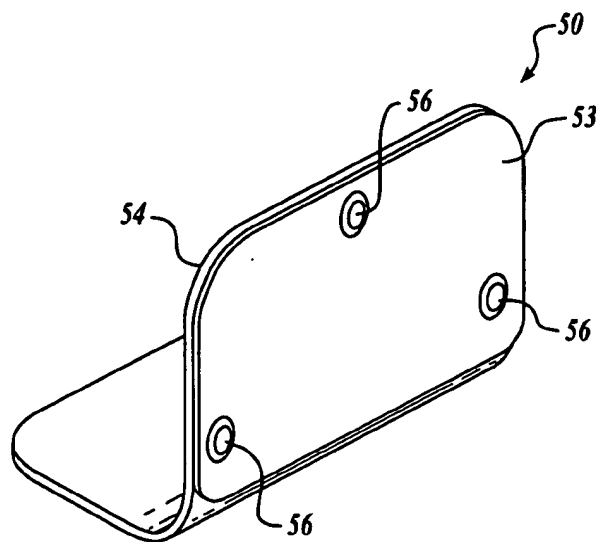


Fig. 5

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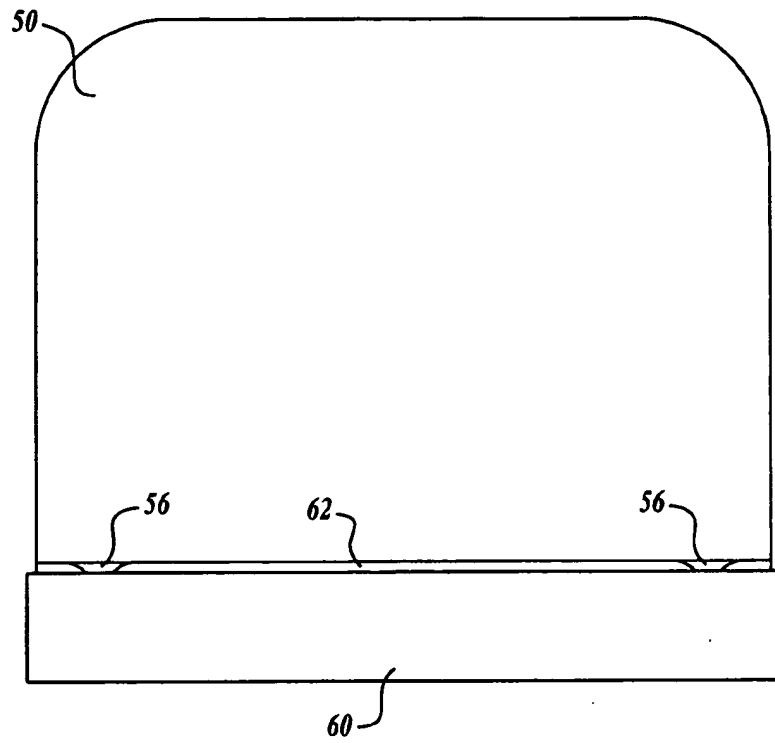


Fig. 6

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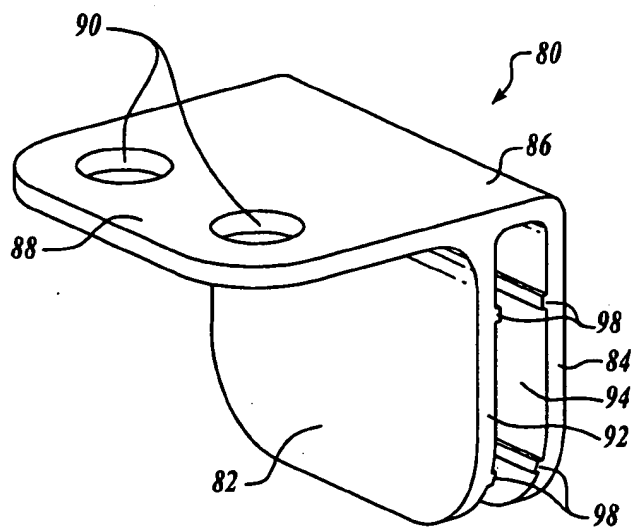


Fig. 7

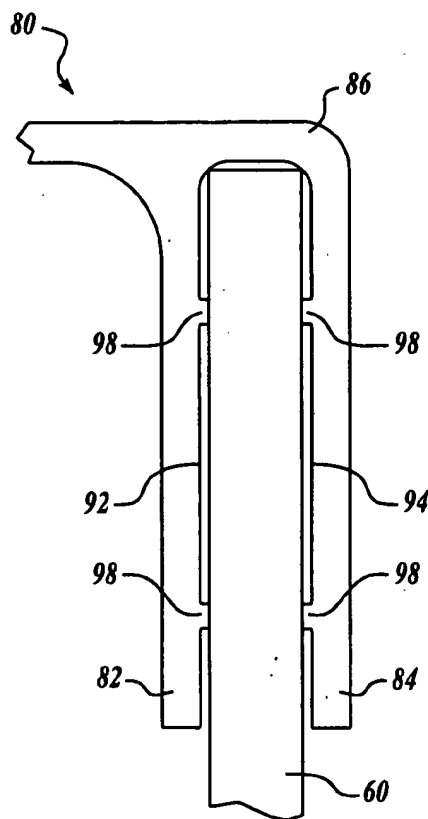


Fig. 8

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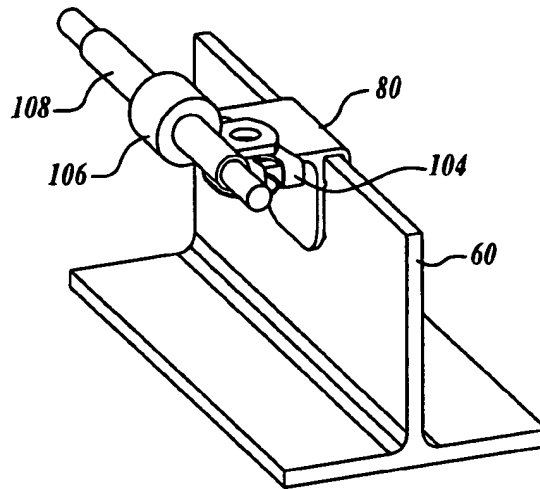


Fig. 9

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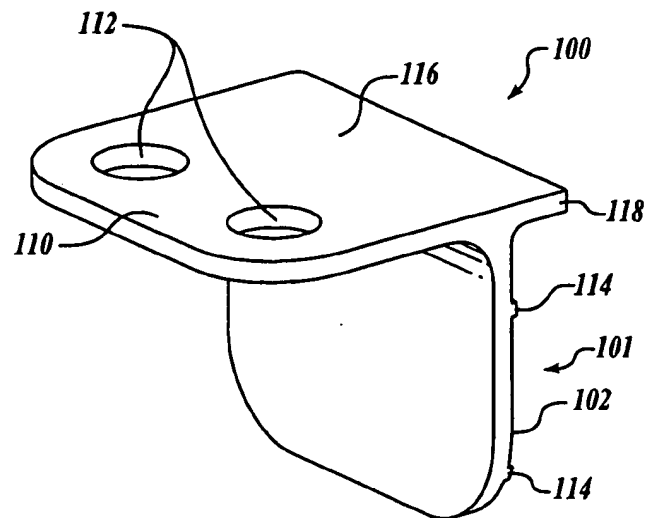


Fig. 10

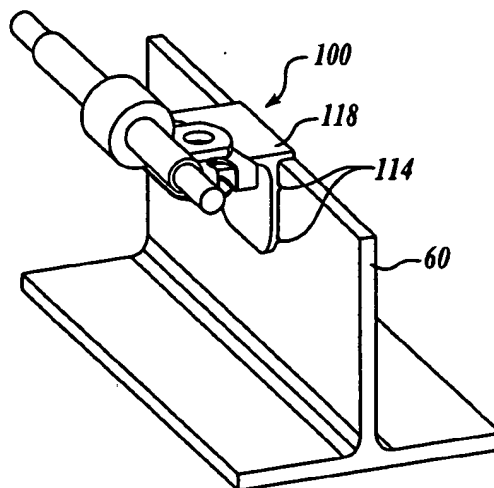


Fig. 11

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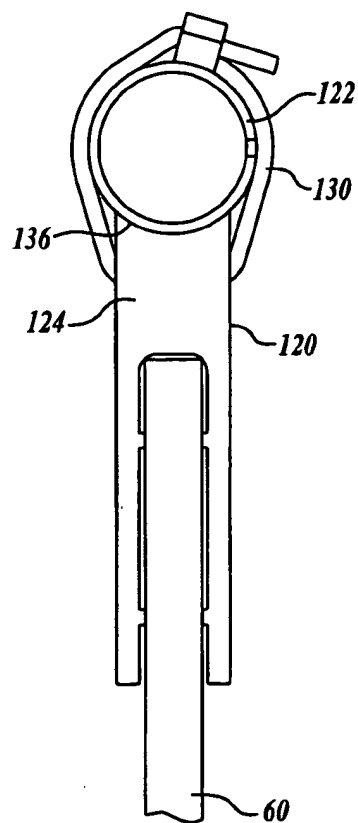


Fig. 12

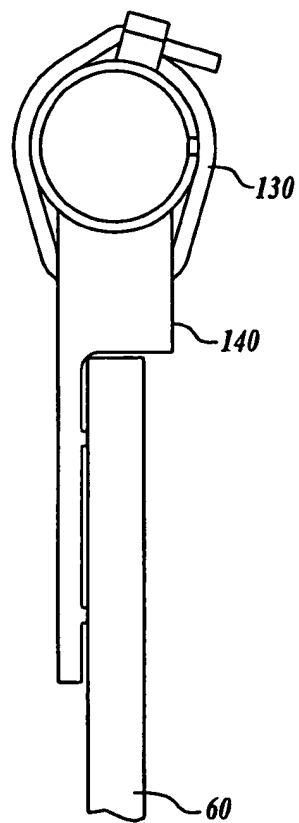


Fig. 14

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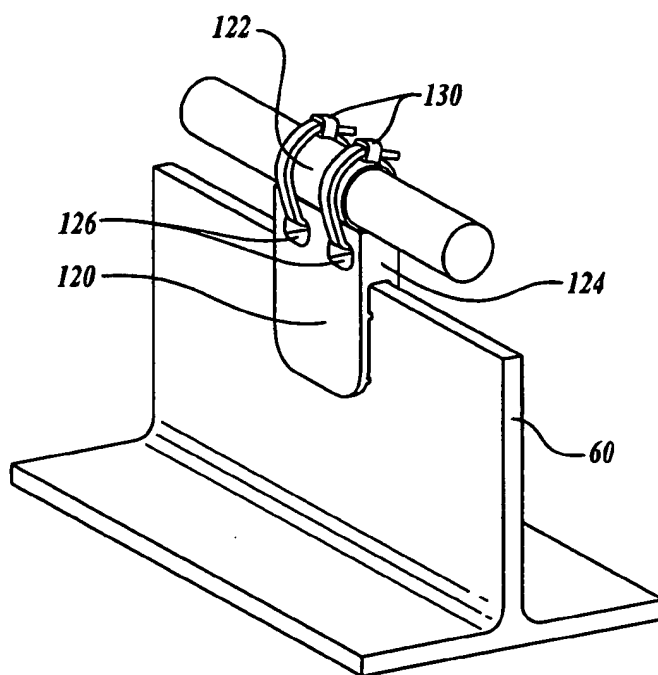
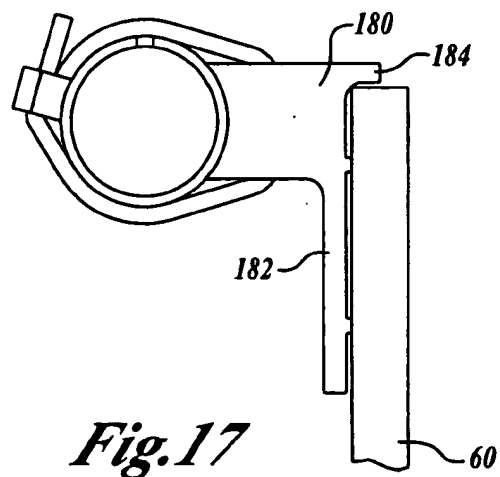
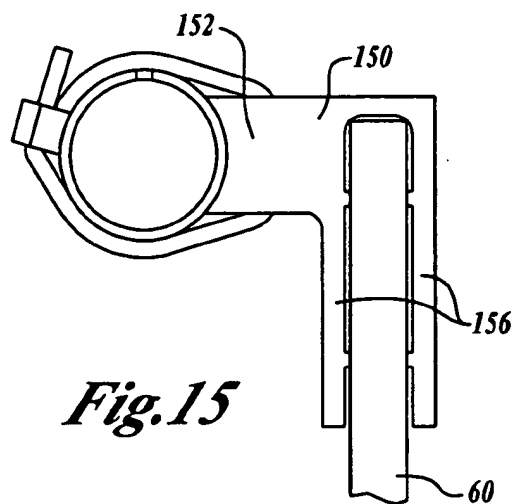


Fig. 13

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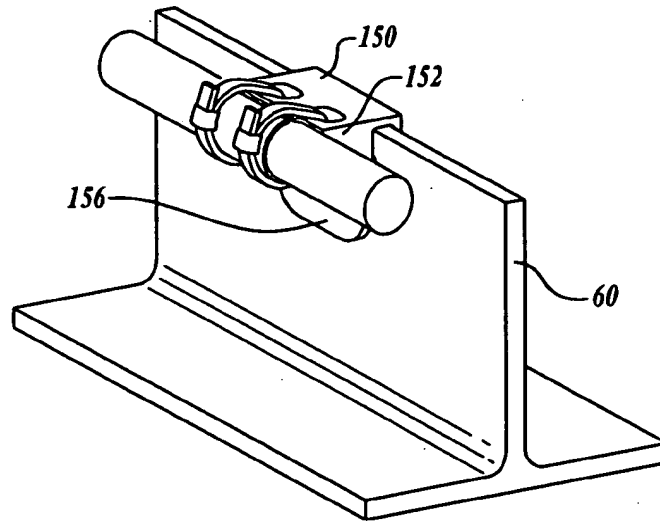


Fig. 16

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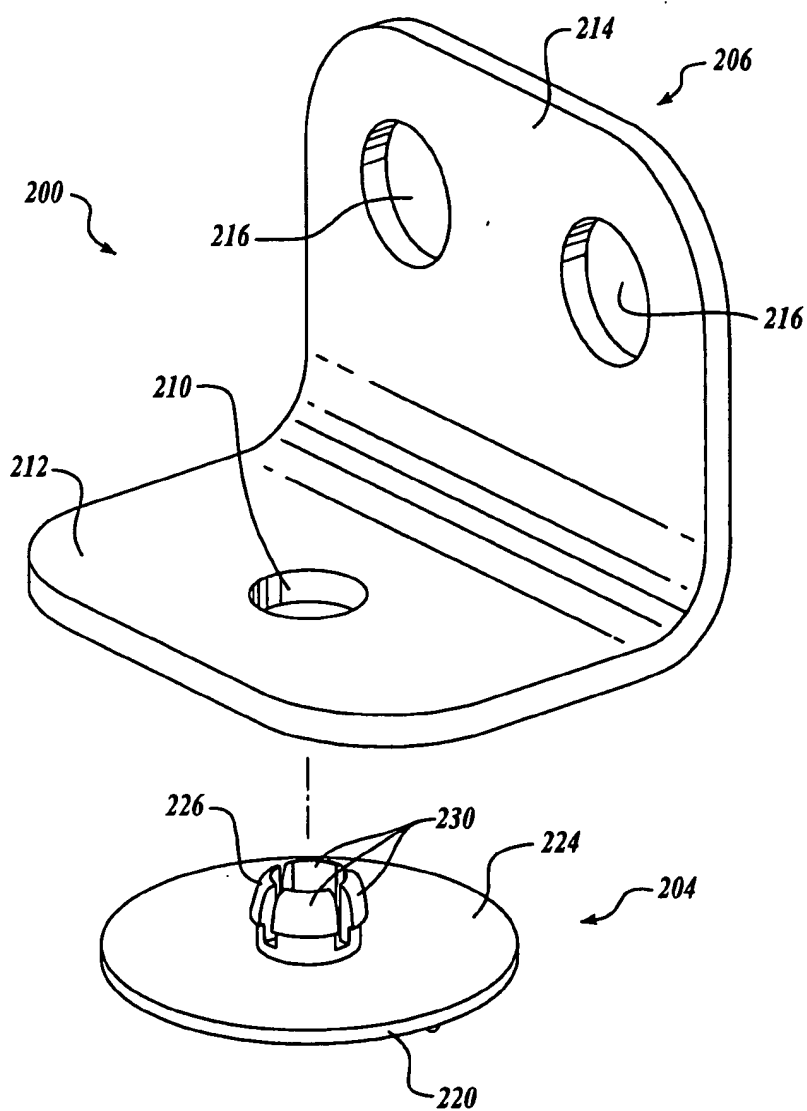


Fig. 18

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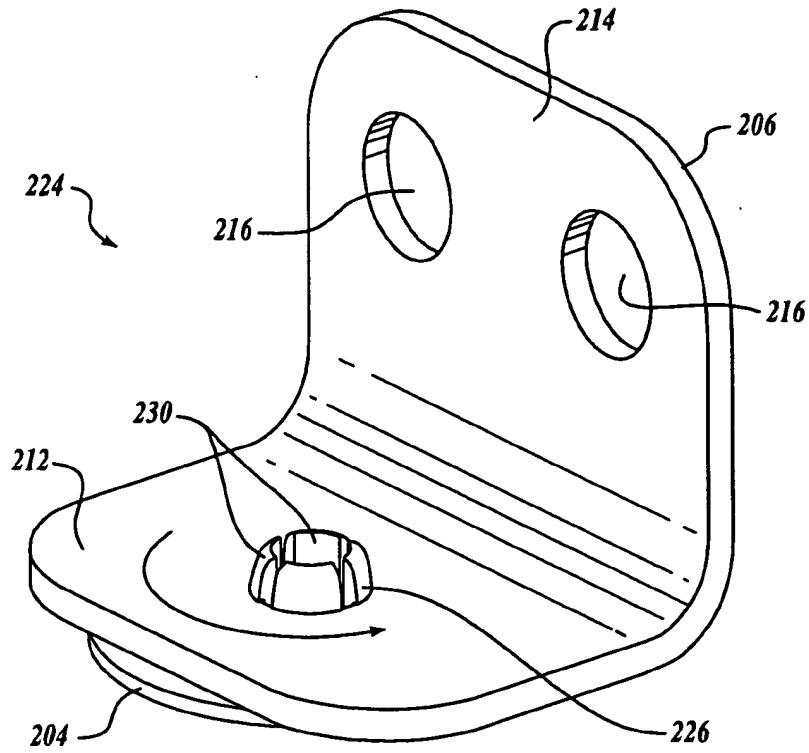


Fig. 19

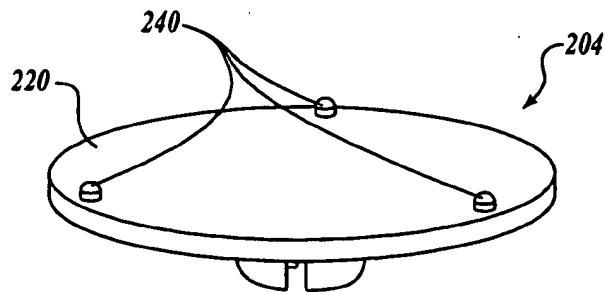


Fig. 20

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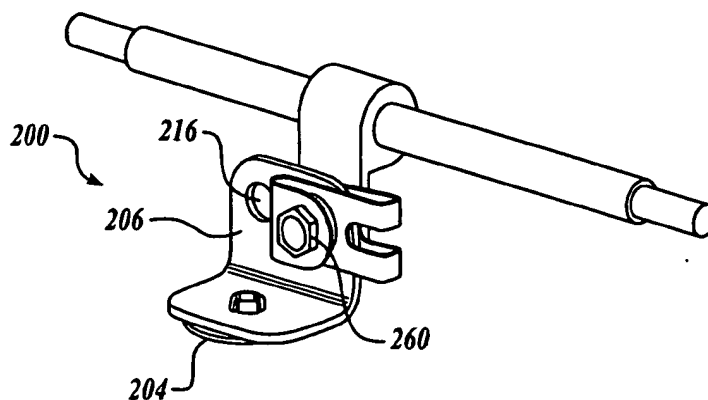


Fig. 21